

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6043 of 2021

K. Babu

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Salavakkam Police Station,
Kancheepuram Dt.
(Crime No.37 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.37 of 2021 on the file of the respondent Police.

For Petitioner : Mr.G.Punniakoti

For Respondents: Mrs.M.Prabhavathi
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 07.03.2021 for the offence punishable under Sections 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, in Crime No.37 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police was on regular patrolling, the petitioner was found in possession of 8 bottles of brandy each containing 180 ml. illegally. Hence, a criminal case was registered against the petitioner. Accordingly, he was arrested and remanded to judicial custody on 07.03.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he has been falsely implicated in the present case. He would submit that he has no bad antecedents and he is in custody from 07.03.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 8 bottles of brandy each containing 180 ml. illegally. She would submit that the petitioner is having 8 previous cases. Hence, she

vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner was only found in possession of 8 bottles of brandy each containing 180 ml., and also considering the period of incarceration suffered by the petitioner from 07.03.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Uthiramerur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police daily at 10.30 a.m. for two weeks;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
26/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

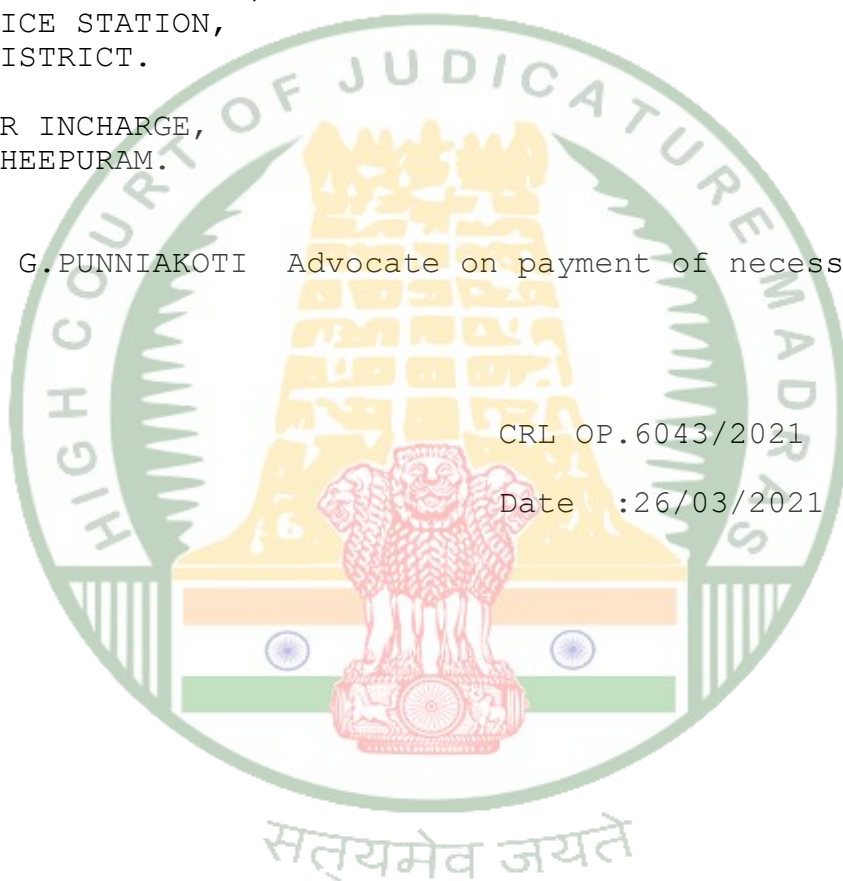
5 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

CC to M/S G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.6043/2021

Date :26/03/2021

MN-29/03/2021



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